

Court of Appeals, State of Michigan

ORDER

People of MI v Edward Richard Bennett

Richard A. Bandstra
Presiding Judge

Docket No. 290968

Jane M. Beckering

LC No. 08-017577-FH

Douglas B. Shapiro
Judges

The Court orders that this case is REMANDED on the sole issue of the appropriate amount of restitution to be ordered. The trial court may conduct a hearing to consider and decide the merits of defendant-appellant's arguments.

Appellant shall file a motion addressing the restitution issue in the trial court and file a copy with this Court within 14 days of the Clerk's certification of this order. The trial court is to hear and decide the matter within 56 days of the Clerk's certification of this order. Appellant must also file with the Clerk of this Court copies of all orders entered on remand within 14 days after entry.

The trial court is to make findings of fact and a determination on the record. The trial court is to cause a transcript of any hearing on remand to be prepared and filed within 21 days after completion of the proceedings.

This Court retains jurisdiction in the cause, and the time for proceeding with the appeal in this Court begins upon issuance of an order in the trial court that finally disposes of the remand proceedings, or the filing of the transcript on remand, whichever is later. Nevertheless, if remand pleadings are not filed in the trial court within the 14-day period stated above, this Court will proceed with final disposition of the matter.

In all other respects, the delayed application for leave to appeal is DENIED for lack of merit in the grounds presented.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

SEP 22 2009

Date

Sandra Schultz Mengel
Chief Clerk